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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Greece*, Hungary, Mexico, New Zealand*, Norway*, Russian Federation, Sweden*: draft resolution

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Having examined the report of the Working Group on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Bearing in mind also the completion by the Working Group on Indigenous Populations of its work on a text for a draft declaration on the rights of indigenous people, reflective, inter alia, of the value and diversity of cultures and the forms of social organization of indigenous people,

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45);

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work;

3. Also expresses its appreciation to observers participating in the eleventh session of the Working Group on Indigenous Populations, representatives of Governments, the specialized agencies, non-governmental organizations and indigenous organizations for their active and constructive participation in its work;

4. Notes the decision of the Sub-Commission:

(a) To postpone until its forty-sixth session consideration of the draft declaration prepared by the Working Group;

(b) To request the Secretary-General to submit the draft declaration to the appropriate services within the Centre for Human Rights for its technical revision;

(c) To request the Secretary-General to transmit the technically revised text of the draft declaration to Governments, intergovernmental and non-governmental organizations and to indigenous people and organizations no later than 31 March 1994 and to note explicitly that no further amendments to the technically revised text will be accepted during the future proceedings of the Working Group but that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration;

5. Urges the Sub-Commission to complete its consideration of the draft declaration and submit to the Commission on Human Rights at its fifty-first session the draft declaration together with any recommendations thereon;

6. Recommends to the Economic and Social Council that:

(a) The Working Group be authorized to meet for five working days prior to the forty-sixth session of the Sub-Commission;

(b) Upon final adoption of the draft declaration by the General Assembly, it be issued as a United Nations sales publication so as to ensure its widest distribution;

7. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts and working groups as it pertains to the situation of indigenous people;

8. Urges the Working Group to continue its comprehensive review of developments and of the situation and aspirations of indigenous people throughout the world;

9. Requests the Secretary-General to give all the necessary resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous organizations, in order to encourage the widest possible participation in its work;

10. Requests the Secretary-General:

(a) To transmit the reports of the Working Group to Governments, indigenous organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(b) To ensure that all meetings of the Working Group at its twelfth session are provided with interpretation and documentation;

11. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

12. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for further contributions to the Fund;

13. Authorizes the Chairperson-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group at the International Conference on Population and Development to take place at Cairo from 6-13 September 1994;

14. Expresses its appreciation to the Special Rapporteur, Mrs. Erica-Irene Daes, for her timely completion of the study on measures to strengthen respect for the cultural property of indigenous people (E/CN.4/Sub.2/1993/28);

15. Endorses the proposal, made by the Sub-Commission at its forty-fifth session, to hold a seminar on indigenous land rights and claims, within existing resources, with the participation of representatives of Governments, indigenous people and experts;

16. Encourages all the initiatives that can be taken by Governments, indigenous organizations and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.